

**TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 20, 2000**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

3. PRESENTATIONS

3.1 Indian Ridge Technology Student Association (TSA)

Kathleen Bleier reported that technology students from Indian Ridge advertised the need for used and donated computer equipment. Parent volunteers and Indian Ridge Partner In Education Computer Renaissance, helped students clean, repair and organize the equipment into complete systems which were then installed in the community centers for afterschool programs. The Association also held a fund-raiser, the results of which were matched by Target of Sawgrass. The Association, along with the Town's Police and Fire Departments, produced public service announcements about bicycle helmet safety which would be aired by Comcast. The public service announcements were shown and Mayor Venis expressed his pride in the students' efforts and presented certificates. Councilmember Paul thanked Ms. Bleier who introduced Sharon Quinn, the technology teacher at Indian Ridge.

3.2 Ed Kennedy, Clerk of Courts

Mr. Kennedy spoke on the restructuring of the office and the phone system to be more accommodating to the public. He stated that traffic citations, as well as marriage licenses, would be able to be taken care of over the Internet. Vice-Mayor Weiner recommended that pleadings also be made available over the Internet. Mr. Kennedy agreed and thought this would be in place mid-term next year.

3.3 Rocky Rodriguez, Property Appraiser's Office

Mr. Rodriguez, Deputy Director to Broward County Appraiser, spoke about the benefits of the recent outreach program. He listed the dates and locations the office would be available to accept Homestead applications.

3.4 Davie/Cooper City Chamber of Commerce

Arlene Broleman, Executive Director, stated that the latest project of the Chamber was an Art, Wine and Jazz event on October 26 at the Old Davie School.

3.5 Citizen Mounted Patrol

Police Officer Kathy Hart spoke about the new Civilian Mounted Crimewatch, stating that volunteers would be trained to watch for problems on the trails, obstructions, vandalism or an emergency which required assistance. She added that the volunteers would have cellphones as well as a highly visible safety vest. Residents of Broward County

TOWN COUNCIL MINUTES

SEPTEMBER 20, 2000

could obtain a packet and application to become a volunteer by visiting the Police Department or calling Officer Hart. When volunteers had been registered, the training sessions would be scheduled.

Councilmember Paul complimented Officer Hart's efforts in establishing this program and thanked the Police Department for its support.

3.6 Pine Island Park Update

Bruce Bernard, Public Works/Capital Projects Manager, reported that the underground infrastructure would be completed in November and the courts, rinks, concession stands, and ballfields were scheduled for a February 2001 completion. The multi-purpose building was rebid and the project was scheduled for a June 2001 completion. Mr. Bernard advised that the water theme feature at the park included a \$78,000 FRDAP grant to which \$26,000 of Town money would be added and the plans were ready to put out to bid.

3.7 Comprehensive Annual Financial Report for Fiscal Year 1999

Budget and Finance Director Christopher Wallace reviewed the GASB 34, a new reporting model, which represented a significant change in that the information presented was more understandable to the public. He reviewed the aspects of reporting that were now required, including the public infrastructure assets such as drainage and bridge issues, allowing that this would require extensive research. Mr. Wallace stated that the Management's Discussion Analysis analyzed a government's financial performance which was now required. He emphasized the importance of this statement and asked for Council's attention to this. Mr. Wallace advised that this was not required until 2003, but staff had implemented it as they thought it was important to have a thorough analysis. He referred to the different sections of the report and encouraged Council to read all of the Analysis. Mr. Wallace indicated the pages, which showed a bottom line evaluation separated into governmental activities and business activities. He advised that unrestricted net assets for governmental activities were a negative number, something that had not been recorded in previous reports. The statement of activities shown in the report in terms of revenues and expenses, giving a net cost in taxes for each activity. Mr. Wallace thanked Deputy Budget and Finance Director Carol Menke and Jerry Chioacca and Michael Futterman of Rachlin, Cohen and Holtz for their work on the report.

Councilmember Cox asked if the reserve funds, which the report indicated had not kept pace with the Town's growth, would continue to decline. Mr. Wallace stated that in fiscal year 2001, the contingency funds would rebuild, but the budget was designed to sustain the Town's financial health long term and this year, there were unforeseen expenses. He added that the trend would not reverse itself, but would also not continue to move downward. Mr. Wallace said that as of the last budget workshop, the Town was \$280,000 short and was able to budget another \$350,000, with the possible Southwest Ranches or Pine Island Ridge contracts, which increased the contingency just slightly.

Vice-Mayor Weiner asked about the current year's losses for the aquaculture fund, which lost \$172,000 as of September 30, 1999. Mr. Wallace stated that the loss would be less this year and a revision to the Nova Southeastern University (NSU) contract would be provided at the next Council meeting. Vice-Mayor Weiner advised that another entity

TOWN COUNCIL MINUTES SEPTEMBER 20, 2000

[Neptune] was interested in making a presentation. Mr. Wallace let Council know that if it wanted to open this up to individuals other than NSU, it would need to open it up to all competitors, as the Town currently had a contract with NSU.

3.8 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: registration for soccer, ages 4 - 13 (deadline October 20th); Country Western Night for adults and seniors (November 3rd); and YMCA after school program (Pine Island Community Center and soon at Shenandoah).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Five Star Rodeo at Bergeron Rodeo Grounds (September 22nd - 23rd); Safety Summit Symposium (September 23rd); Second Annual Neighborhood Clean-Up (September 30th); Talapia Fishing Day (October 7th); South Florida Trailriders Red Bandanna Ride-a-thon (October 29th); Concert in the Park (October 22nd); Kids Voting (November 7th); and Halloween Safe Trick or Treat (October 29th).

3.9 2000 Census

Jack Curtis stated that the Census 2000 operation was closing down and the goal was to achieve an additional 5% increase over the 1990 response rate. He congratulated the Town for being part of 24% of the nation that did achieve that.

Mayor Venis advised that items 8.7 and 8.8 had been requested to be tabled until October 18th. Councilmember Paul indicated that she thought the advertisement for item 8.8 was advertised incorrectly and was being readvertised for October 18th; however, she had been told that the advertisement was correct. She advised that she was concerned that the residents who saw the advertisement may be confused with the date and she hoped that the advertisement was adequate. Councilmember Paul indicated that she would like to see the first reading tabled to October 18th. Councilmember Clark responded that it had already been readvertised for October 18th. Councilmember Cox clarified that item 8.8 was the new R-1E planned zoning district being considered for the 400 acres between Nob Hill and Hiatus Roads.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to table item 8.7 until October 18, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to table 8.8, the first reading until October 4, 2000 and the second reading until October 18, 2000. In a voice vote, all voted in favor with Councilmember Paul dissenting. (Motion carried 4-1)

4. MAYOR/COUNCILMEMBER'S COMMENTS

NORTH STAR MEETING. Mayor Venis advised that he had met with residents of this area to discuss water issues. Acting Town Engineer John Doherty stated that legal descriptions were under way to each property owner and Mr. Kiar would then prepare the warranty deeds. Mayor Venis stated that some residents wanted to be hooked up to city water with Mr. Doherty indicating that these residents might be able to be hooked up to the City of Sunrise system.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

CAPITAL PROJECTS BUDGET. Mayor Venis asked for a time frame on when the Capital Projects Budget would be adopted. Mr. Willi advised that a rough draft would be available by the next meeting and a budget document would be ready approximately four weeks after that.

BOUNDARY MEETINGS. Mayor Venis reported that he had attended boundary meetings last year concerning the middle school Hawks Bluff Elementary fed into. This year, the parents and the PTA had asked him to attend boundary hearings in November. Mayor Venis recommended that Council meet with residents to hear their concerns so that they could be better informed on the issues and problems in the various communities. He recommended notifying each PTA organization to invite parents and school staff to a meeting to hear the needs of the schools and residents.

NOVA DRIVE TRAFFIC. Mayor Venis asked Mr. Willi to schedule a meeting with the Master Association at Nova Drive to discuss traffic. The Association had requested to attend a meeting with the County Engineer, they would like to see what could be done to alleviate the congestion of traffic in that corridor.

REESE ROAD. Mayor Venis stated that the residents were glad to have Reese Road open but were asking for a left turn arrow to go southbound on Davie Road.

SENIORS LUNCHEON. Mayor Venis spoke about the event that honored volunteers, thanking them for all their hours of time spent on behalf of the community. He congratulated staff for making this a great event.

COUNCILMEMBER CLARK

CONGRATULATIONS. Councilmember Clark congratulated Police Service Aide Sandy Nelson on her retirement and praised her for her efforts on behalf of the Police Athletic League.

COMMUNITY AWARENESS HOUSING OPPORTUNITY MEETING. Councilmember Clark stated that this meeting would be held at the Eastside Community Center on September 26th and would provide important information to residents on opportunities for residents on mortgage benefits, purchase assistant grants, low interest mortgages, etc. She added that the Joe DiMaggio Mobile Health Center would be there to introduce people to the facility and advise them about affordable health insurance.

SENIOR VOLUNTEER LUNCHEON. Councilmember Clark appreciated being involved in honoring these important volunteers.

LETTER. Councilmember Clark stated that she had received a letter from Betty Wright expressing several serious issues involving the play area near her home. Councilmember Clark advised that she had given this letter to staff and Ms. Wright would be receiving a quick response.

DAVIE UPDATE. Councilmember Clark recommended that residents read the Update thoroughly as there was a lot of information on drainage.

DAVIE ELEMENTARY PAVILION AND OUTDOOR SHELTER. Councilmember Clark asked that this be added to Old Business for the next meeting, for a presentation and discussion with Council.

DONATIONS TO POLICE ATHLETIC LEAGUE. Councilmember Clark asked to add a presentation to the next Council meeting honoring Mr. and Mrs. Clemente Neery for their support to the Davie Football League.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

CHARTER REVIEW BOARD. Councilmember Clark advised that the next meeting would be held on September 28th to receive public comment on proposed changes to the Charter.

EDITORIALS. Councilmember Clark advised that Joe Pinelas from Davie Press had invited Councilmembers to submit editorials on an every other month basis.

COUNCILMEMBER COX

SENIOR LUNCHEON. Councilmember Cox congratulated Norma Welke on being chosen as Volunteer of the Year and complimented all the volunteers. She added that she was disappointed to learn that the Citizens of Congress would be discontinued.

LANDSCAPE PROBLEM ON CANAL BANK, GRIFFIN ROAD SIDE. Councilmember Cox reported that she had met with the Department of Transportation (DOT) and the South Florida Water Management (SFWM) to discuss the problems SFWM had with this area. She stated that SFWM required a 40 foot clear area to maintain the canal bank and prevent trees from falling into it during hurricanes. Councilmember Cox stated that discussions with DOT showed that it would replant trees elsewhere, but the permits did not extend to the Orange Drive side. She advised that DOT and SFWM would meet to devise an acceptable landscape situation for the Griffin Road side of the canal and she suggested moving some landscape to the north side of the canal along Orange Drive from Davie Road to 441. Councilmember Cox indicated that it may be necessary to remove exotics due to the danger of them falling into the canal, but she asked for a comprehensive landscape plan for the entire corridor, from 441 to Weston Road. She asked for direction and wanted to know if Council would be interested in participating in the discussions or if Council wanted her to meet with DOT and SFWM.

Mayor Venis recommended that Councilmember Cox meet with the representatives and then bring a presentation back to the Council for input. Vice-Mayor Weiner agreed to delegate the responsibility to Councilmember Cox and let her decide how the presentation should be made.

Councilmember Cox indicated that SFWM had changed its criteria from when the plan was formulated and had become more restrictive. She added that removal of which specific exotics was important as well as addressing the idea of enhancement to the 61st Avenue bridge.

Councilmember Clark felt that the Griffin Road expansion was pushed forward more quickly than anticipated and requested that the legislatures who pushed this be asked to help. Councilmember Cox agreed this could be done.

Councilmember Paul asked that Councilmember Cox not let DOT and SFWM go ahead with a plan without bringing something back to Council first. Councilmember Cox stated that she was willing to discuss the removal of the exotics as long as the Town and residents got a lot back from the plan. Vice-Mayor Weiner added that this was another good reason it should be brought back to Council before a decision was made and indicated the need for Councilmember Cox to be proactive.

VICE-MAYOR WEINER

BELLSOUTH CABLE. Vice-Mayor Weiner advised residents that if they switch to BellSouth, they might miss some Council meetings. BellSouth was making arrangements with Comcast to rebroadcast transmissions and would be looking to eventually broadcast live.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

RUN-OFF ELECTION. Vice-Mayor Weiner advised that the run-off election for the Supervisor of Elections was scheduled for October 3rd.

GARBAGE. Vice-Mayor Weiner asked that the garbage matter be added to the October 4th agenda for a presentation and indicated that Cooper City had received 12-13 bids for a garbage franchise after hiring a consultant. He asked Mr. Willi to find out what the consultant did and who submitted these bids.

SUNRISE WATER. Vice-Mayor Weiner advised of the importance of being prepared to move ahead aggressively on the water issue. He understood that Sunrise had begun interviewing consultants to help defend the City in a lawsuit, should that happen. He advised that the Town also needed to prepare for litigation in case this happened.

SENIORS LUNCHEON. Vice-Mayor Weiner stated that Governor Bush had sent a letter of appreciation to the volunteers.

SPECIAL MASTER MEETING. Vice-Mayor Weiner advised that Code Compliance Supervisor Daniel Stallone had indicated that he was looking into the process of notifying residents so that if the parties that were charged requested a postponement, the person making the complaint would have an opportunity to be heard.

LINDSEY DREYER. Vice-Mayor Weiner stated that Ruth Dreyer's daughter had been selected to attend the National Young Leader's Conference in Washington, D.C.

PENSION BOARDS. Vice-Mayor Weiner stated that the Pension Board and the State Division of Retirement were advising that money may be held up again. He stated that he disagreed with Mr. Wallace about how these pension changes were handled. Vice-Mayor Weiner stated that the law changed last year and he did not want to see the Town sue, and was asking that the actuarial firm prepare an impact study. He asked Mr. Willi to look at the process so pension ordinances could be prepared without further delay.

HAPPY ROSH HASHANAH. Vice-Mayor Weiner offered best wishes to those of the Jewish faith.

COUNCILMEMBER PAUL

HAPPY BIRTHDAY. Councilmember Paul wished her sister a happy birthday and a speedy recovery after a hospital stay.

HORSE ACCIDENT. Councilmember Paul stated that she saw several residents stopping to help a young girl who had been thrown from her horse. She applauded the Town that so many residents stopped to help and was glad the girl was wearing her helmet.

DAVIE UPDATE. Councilmember Paul advised that a poem written by Betty Pettis, southern editor for the Horse and Pony newspaper, was published in place of her comments in the Davie Update. She advised that Ms. Pettis had passed away last year and the poem was given to Councilmember Paul by Ms. Pettis' husband.

KIDS VOTING. Councilmember Paul stated that the Town had adopted the precincts located at Town Hall for kids to vote.

WILDLIFE PROTECTION. Councilmember Paul asked if an ordinance could be pursued to protect wildlife when an area was being developed and indicated that her concern was wildlife in heavily wooded areas. She advised that she had obtained a copy of Cooper City's code and added that Development Services Director Mark Kutney would be looking into developing something similar. Councilmember Paul recommended that a team be developed to walk properties looking for wildlife that needed to be relocated, adding that this could result in a list of properties placed on the County's list for purchase with bond

TOWN COUNCIL MINUTES

SEPTEMBER 20, 2000

money. She advised that the 61st Avenue property purchased for a park had a family of foxes that needed to be relocated to one of the many appropriate areas throughout the State and expressed concern that these animals be trapped properly.

FLAMINGO ELEMENTARY SCHOOL ADVISORY COMMITTEE. Councilmember Paul indicated that she was on this committee and construction was beginning for the Boys and Girls Club with an eight-month completion date.

NOVA HIGH SCHOOL. Councilmember Paul met with the new principal, John LaCasse, and ideas for partnerships with the Town were discussed.

KAREN FLYNN. Councilmember Paul stated that Ms. Flynn had concerns regarding possible encroachment on her property as a result of the Madison Townhome development.

TRAFFIC CALMING DEVICES. Councilmember Paul reported that there were a number of different devices available to communities. She stated that residents who had no homeowner's association were concerned that they would need 100% consensus to approve a plan. Mr. Willi advised that 60% was necessary. Councilmember Clark recommended taking photos of what was proposed because the actual design was often more attractive to residents. Mayor Venis observed that speed bumps differed greatly.

SENIOR LUNCHEON. Councilmember Paul expressed regret at having missed this event and expressed appreciation for the volunteers.

NEW HOMES. Councilmember Paul questioned the review that new homes received for water storage and easement. Mr. Doherty advised that on-site water storage was required for a single family home and that during the final engineering inspection, the lot was checked. For lots larger than one acre, a site development permit was required and each lot was also required to have Central Broward Drainage District approval.

AGRARIAN COMMITTEE. Councilmember Paul stated that this Committee would be meeting on September 21st at the Chamber and all were welcome. Councilmember Paul thanked the Chamber for the use of their meeting room.

SAFETY SUMMIT. Councilmember Paul thanked the radio and TV stations that had advertised the Summit and listed the programs being offered.

FIRE INSPECTOR LICENSING. Councilmember Paul expressed concern that the Town was paying for a fire inspector who was not licensed by the State. Mr. Willi advised that he was waiting on an opinion from the State Standards attorney's regarding the status of the employee's certification. Councilmember Paul indicated that she understood that a response had been received. Mr. Willi responded that the response was based on a letter containing incorrect information. He added that the State had a conflict with the way it adopted the South Florida Building Code which had previously certified that inspector since 1978.

Councilmember Paul asked if an Acting Fire Marshal would be appointed. Mr. Willi stated that the job description was removed from the last meeting's agenda due to changes that needed to be made, but there would be one in place after the next meeting.

5. TOWN ADMINISTRATOR'S COMMENTS

HIRING SCHEDULE. Mr. Willi stated that a large number of positions were advertised in the Miami Herald and Sun-Sentinel and interviews would be held as the positions closed. He advised that during the next few meetings, Council would be reviewing and approving many positions and job descriptions.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

DAVIE UPDATE. Mr. Willi thanked staff, indicating that the Davie Update was published on time and thanked Council for its input. Mr. Willi asked for citizen input in the next publication.

SUNRISE WATER. Mr. Willi stated that a meeting was held to discuss where the water issue was headed and the transmittal of documents. He advised that this was a period of discovery and fact gathering. Mr. Willi was not pleased that Sunrise did not provide the requested documents and he would be asking them for a schedule of when these documents could be expected. When their outline of revenues and expenditures for the system had been presented, another meeting would be scheduled. Mr. Willi advised that staff had received a number of statements of qualifications from other firms that could represent the Town.

CENSUS. Mr. Willi commended staff for their involvement in this project and the 68% return that resulted.

SOUTHWEST RANCHES. Mr. Willi asked that this contract be pulled from the agenda, advising that it was the intent of the Ranches to be under contract with the Town for fire services by October 1st, but the final draft was received today. He added that this item would be on the October 4th agenda and the Ranches would also be meeting to accept the contract.

BOARD OF REGENTS. Mr. Willi stated that the Board of Regents planned to give the Town \$70,000 to install a turn lane from College Drive onto the campus based on a concurrency requirement to meet the level of service. This information was very recent and staff was researching whether or not this amount would cover the cost. Mr. Kutney indicated that the location was northbound on College Avenue at the Florida Atlantic University entrance and research showed this began several years ago. He added that at one point, there was a disagreement about the amount of funds and Mr. Willi indicated the Town would have an opportunity to revisit this in the future if funds were not sufficient.

DAVIE MERCHANTS AND INDUSTRY ASSOCIATION. Mr. Willi reported that he had spoken at the Association's meeting.

6. TOWN ATTORNEY'S COMMENTS

SUNRISE LITIGATION. Mr. Kiar indicated that he and Mr. Willi were emphatic about receiving documents from Sunrise and expected them soon.

SESSA. Mr. Kiar indicated that this parcel involved Charles Powers and went back to the 1990 47th Avenue assessment. He advised that this matter was scheduled to go to mediation on October 25th. Mr. Kiar stated that a settlement of \$20,000 had been proposed which Mr. Wallace had indicated was not adequate.

75 EAST/GRIFFIN ORANGE NORTH. Mr. Kiar indicated that two separate corporations had initiated these lawsuits regarding two different parcels with the intention to consolidate both suits. He indicated that the Town would oppose this and their reply briefs would be forthcoming.

SURPLUS LAND. Mr. Kiar advised that he had met with Mr. Leonard, the attorney for DOT, who advised that there was surplus land owned by DOT which came up for auction at times. Mr. Leonard had indicated that this land was made available by DOT to municipalities at no charge. The turnpike spur was surplus land and could be deeded over to the Town. Mr. Willi offered to have staff look into the parcel and get back to Council with a report.

TOWN COUNCIL MINUTES SEPTEMBER 20, 2000

Vice-Mayor Weiner asked Mr. Kiar if the executive session transcripts would be available. Mr. Willi said the Town had requested the transcripts from the City of Sunrise and had received a response stating that no executive sessions were held.

Councilmember Clark asked about the 142nd Avenue litigation and Cooper versus the Town and the expense the Town had incurred for the trial. She asked to add this to the agenda for the next meeting and advised that she would like to know the entire amount. Mr. Wallace stated that the records going back more than two years were off site and must be compiled. Councilmember Paul recommended the Town keep a running record of all legal fees.

Referring to the previous discussion about surplus land, Councilmember Cox stated that residents had asked about the possibility of acquiring E Lake from DOT. She asked Mr. Kiar to speak with Mr. Leonard about the status of this property which abutted the Everglades Mobile Home Park.

Mayor Venis asked about Item #2 on Mr. Kiar's litigation report and whether or not he would need to attend. Mr. Kiar stated that Mr. Burke was going for summary judgment on behalf of the Mayor and Chief of Police whom the litigation named, seeking their dismissal. Mr. Kiar would find out if either needed to be deposed.

7. CONSENT AGENDA

Minutes

- 7.1 July 5, 2000 - Regular Meeting
- 7.2 July 19, 2000 - Regular Meeting

Proclamation

- 7.3 National Physical Therapy Month (October, 2000)

Occupational License (Home)

- 7.4 All Budget Doors, 14059 SW 27 Court

Occupational License (Solicitor)

- 7.5 Pets & Animals in Distress, 1941 NE 51 Street, Fort Lauderdale (tabled from September 6, 2000)

Occupational Licenses (Carnival - Waiver of Occupational License Fee)

- 7.6 Saint Bonaventure Church, 1301 SW 136 Avenue (November 9 - 12, 2000)
- 7.7 Saint David Catholic Church, 3900 South University Drive (October 26 - 29, 2000)

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

Resolutions

- 7.8 **LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PARK SITE LOCATED ADJACENT TO THE FLORIDA TURNPIKE APPROXIMATELY 1300 FEET NORTH OF STIRLING ROAD AND PROVIDING AN EFFECTIVE DATE. (tabled from September 6, 2000)
- R-2000-216 7.9 **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO PURCHASE A MULTI PURPOSE VEHICLE, TRAILER AND ACCESSORIES FROM THE LAW ENFORCEMENT TRUST FUND. (multi purpose vehicle - John Deere Company - \$7,672.84; trailer and miscellaneous equipment - Burkhard's Tractor and Equipment, Inc. - \$2,327.16)
- R-2000-217 7.10 **HOLIDAYS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE DURING FISCAL YEAR 2000-2001; AND PROVIDING AN EFFECTIVE DATE.
- R-2000-218 7.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE/COOPER CITY CHAMBER OF COMMERCE AND THE TOWN OF DAVIE. (waiver of fees - \$1,000)
- R-2000-219 7.12 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE CONTRACT WITH RACHLIN COHEN & HOLTZ, LLP, CERTIFIED PUBLIC ACCOUNTANTS & CONSULTANTS, AS TOWN AUDITORS FOR TWO YEARS; AND PROVIDING AN EFFECTIVE DATE. (\$65,000 for FY 2000; \$69,000 for FY 2001)
- R-2000-220 7.13 **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE EXTENSION OF THE JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE ON A YEARLY BASIS TO CONTINUING THE COMMITTEE AS A STANDING COMMITTEE.
- R-2000-221 7.14 **RESTRICTIVE NOTE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "MAIN STREET PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 8-1-00, 5645 South University Drive)
- R-2000-222 7.15 **FEE SCHEDULE REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE FIRE RESCUE DEPARTMENT FEE SCHEDULE FOR EMS TRANSPORTATION.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

- 7.16
R-2000-223 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY RIGHT-OF-WAY USE AGREEMENT BETWEEN THE TOWN OF DAVIE AND FPL FIBERNET, LLC.; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 7.17
R-2000-224 **HUMAN RESOURCES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE PERSONNEL DIVISION TO THE HUMAN RESOURCES DEPARTMENT AND REVISING THE CLASS SPECIFICATIONS TO INDICATE THE CHANGE TO HUMAN RESOURCES ASSISTANT, HUMAN RESOURCES TECHNICIAN, HUMAN RESOURCES COORDINATOR AND HUMAN RESOURCES MANAGER IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.**
- 7.18
R-2000-225 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE POSITIONS OF HUMAN RESOURCES DIRECTOR AND TOWN CLERK IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**
- 7.19 **INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED INTERLOCAL AGREEMENT WITH THE TOWN OF SOUTHWEST RANCHES FOR DELIVERY OF EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Site Plans

- 7.20 *SP 6-3-00, McDonald's Restaurant, 4492 Weston Road (BP) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on staff's recommendations with the stipulation that item seven would be waived if the petitioner obtains a letter from the shopping center indicating that it agrees to share five parking places and in addition, to present staff with a tenant list and parking calculations (5-0)*
- 7.21 *SP 7-2-00, Davie Manor, 4900 SW 64 Avenue (RM-10) Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approval subject to the staff's recommendation*
- 7.22 *SP 7-3-00, Stirling 67, 6690 Stirling Road (B-3) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

- 7.23 SP 7-4-00, Heritage Building, 5220 Davie Road (R-O) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to staff's recommendations with the addition that (1) someone needs to check the stamp on the plans to be sure that they were done by an architect and not an engineer; (2) the air conditioning needs to be mounted in the center of the roof; (3) petitioner needs to show ramp elevations with railings; (4) petitioner needs to come back before this Committee with samples of paint for the building; and (5) petitioner needs to provide samples of ornamental material on the parapet which were termed as small squares

Mayor Venis asked that item 7.23 be removed from the Consent Agenda because this item would be heard after action had been taken on item 8.5. Mr. Willi asked that items 7.8 and 7.19 be removed. Councilmember Cox asked to remove item 7.21. Vice-Mayor Weiner asked to remove item 7.12. Councilmember Paul asked to remove items 7.5, 7.9, and 7.16.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.5, 7.8, 7.9, 7.12, 7.16, 7.19, 7.21, and 7.23. In a voice vote, all voted in favor. (Motion carried 5-0)

7.5 Councilmember Paul expressed concern that giving an invitation to operate in the Town would include allowing solicitation on street corners, as was the businesses practice. She added that there was a similar organization that operated in the same capacity.

Vice-Mayor Weiner indicated that the Town was unable to deny one vendor or solicitor from this activity, adding that this invited a lawsuit. Councilmember Paul stated that the other vendors were dealing with newspapers and had a first amendment right. Mayor Venis pointed out that any solicitor distributing written material would fall into the same category.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to table to the next meeting [October 4, 2000]. In a voice vote, all voted in favor Councilmember Paul dissenting. (Motion carried 4-1)

7.8 Mr. Kiar indicated that this was now a 50-year lease at a charge of \$500 per year and revisions included that the Town was no longer required to litigate with residents in regard to encroachments. He indicated that the addendum stated that the Town could work with residents and advised that the original document would be available for presentation to Council at the next meeting.

Vice-Mayor Weiner asked if the Town would have Code enforcement authority with regard to docks and structures on the lake. Mr. Kiar responded in the affirmative. Vice-Mayor Weiner asked if regulations in regard to archeological and historic sites could be added to the Code and recommended possibly adopting the Code of other cities in Broward and Miami-Dade.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to table until the October 4th meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

7.9 Councilmember Paul stated that she was glad to see this resolution, recounting an incident where this vehicle could have been used.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.12 Vice-Mayor Weiner stated that he would like to see this resolution approved and would like to see the Town move forward with the Sunrise litigation, which he felt Rachlin, Cohen & Holtz would accomplish. He added that in the future, he would like to see this go out to bid.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.16 Councilmember Paul asked if FPL Fibernet would be working in the same area where other companies had been working. She indicated that the residents were concerned that several companies were installing equipment on the same sites and there was constant work being done. Programs Manager Will Allen reported that FPL Fibernet would be installing fiber optic cable and they were proposing to do this in the right-of-way areas of University Drive and State Road 84, which would require a permit.

Vice-Mayor Weiner asked that the services be explained. Mr. Allen stated that the fiber optic cable would be installed but not activated. Vincent Andreano, representing FPL Fibernet, stated that this cable would run the length of the State in a four inch pipeline and would provide no local service but would be available to other companies to tap into as needed. Mr. Andreano described the path of the cable up University Drive, to State Road 84, to Nob Hill and out of Davie. He added that this involved no trenching, but used a directional bore and felt the construction plans for this should not be too disruptive to the Town.

Councilmember Cox stated that she would like to see a provision for restoration if the elements caused the area to wash out or asphalt to settle. Mr. Andreano recommended that the language for that provision be added and he would take it back to his client for approval. Mr. Kiar indicated that an addendum for restoration for one year would be appropriate. Mr. Andreano expressed concern that another company could come in with construction at the construction site and alter what Fibernet had done. In that case, he felt Fibernet should not be liable for repair. He indicated that he was prepared to agree to the repair and restoration of the right-of-way for one year for Fibernet's construction only.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve with the addition to Section 9, that repairs and restoration at the structure would be warrantied for one year. In a voice vote, all voted in favor. (Motion carried 5-0)

7.19 Councilmember Paul made a motion, seconded by Councilmember Cox, to table until October 4, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

7.21 Councilmember Cox stated she was concerned with the drainage in this plan. She stated that drainage for the neighboring properties could change as a result of this plan and asked Mr. Doherty to look at expanding drainage improvement in the adjacent areas.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

8. PUBLIC HEARINGS

Budget

- 8.1 MILLAGE RATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2000-226 ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL
YEAR BEGINNING OCTOBER 1, 2000, AND ENDING SEPTEMBER 30, 2001.**

Acting Town Clerk McDaniel read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution.

Tom Truex, 4740 SW 72 Avenue, indicated that he was pleased with Council's decision to retain the same millage rate as last year.

Mayor Venis closed the public hearing.

Councilmember Cox stated that she was not voting for this budget or for the millage rate and indicated that if the Town had conducted itself in a more fiscally responsible manner, it could have done better.

Vice-Mayor Weiner indicated that he was pleased that the Town was able to get the millage rate down to 5.1086. He advised that he did not believe the rate would be able to be kept at this rate in the future as Davie was a growing community and more staff and services would be needed.

Mayor Venis commended Mr. Willi and Mr. Wallace for their hard work to keep the same millage rate, given an increase of 52 employees and the additional services which were being provided.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 4-1)

- 8.2 VOTER APPROVED DEBT SERVICE - A RESOLUTION OF THE TOWN OF
R-2000-227 DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED
FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR
BEGINNING OCTOBER 1, 2000, AND ENDING SEPTEMBER 30, 2001.**

Acting Town Clerk McDaniel read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Ordinance - Second and Final Reading

- 8.3 BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2000-32 ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL
YEAR 2001.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Kathy Jane, representing Women In Distress, requested the opportunity to apply for funding. She explained the cost for a stay at the facility and described the programs available to battered and abused women and children. Ms. Jane enumerated the domestic violence statistics behind the need for these services and asked the Town to help offset the cost of these services in the amount of \$4,000.

TOWN COUNCIL MINUTES SEPTEMBER 20, 2000

Joe Brill, representing Special Olympics, thanked the Town for sponsoring this organization in the past and advised that his family won the award for Family of the Year as well as for Excellence in Training. He explained that there were approximately 50 athletes and asked Council for their continued support. Councilmember Clark stated that a site for basketball games was needed for this organization and Mr. Brill indicated that Gloria Dei Church may be a possibility. Councilmember Clark asked if Parks and Recreation could look for a site for this.

Mayor Venis closed the public hearing.

Mr. Wallace indicated that there was a pool of money that was designated for these causes and many others, which Council would need to decide on in the upcoming weeks. He added that each would be scheduled with a resolution.

Councilmember Cox commented on the budget, stating that it could provide much more for the residents. She advised that one reason the millage rate was able to remain the same was because quality development had provided the funds; however, this came with a sacrifice of open spaces and rural areas. Councilmember Cox advised that if the Council had been more responsible with funds, the Town could have had a roll back or more improvements in important areas. She enumerated some of the staffing decisions over the past year that she felt wasted money and felt that services had been sacrificed.

Mayor Venis indicated that services had not been sacrificed and the Town had done well with this budget. He indicated that in the history of the Town, staff had come and gone as a result of Council decisions. Mayor Venis offered that in past years, Council had not voted in agreement with his ideas and the method of decision making on the Council was a democratic one with fair results. He felt it was an asset to the Town to have quality development and commended the Town's progress in adding needed services which were presently expanding.

Councilmember Clark commented that the budget was very well prepared and indicated that the additional 52 employees was an improvement. She expressed her approval of the process and was pleased to be a part of it. Councilmember Clark spoke to the issue of the fire inspector not being paid, stating that he was not placed in the position he was initially meant to be placed in and felt questions needed to be answered before he was reinstated.

Vice-Mayor Weiner spoke on the lengths to which staff and Mr. Willi had gone to retain the millage rate, in reallocation, use of grants, etc.. He stressed the importance of looking toward the future in providing services for other communities and being proactive, as well as planning for future staff needs. Vice-Mayor Weiner spoke about EMS and stated that this came at a cost and was the result of planning and stepping out on behalf of the community. He also was pleased at the quality development. Vice-Mayor Weiner commended the reorganization of the departments and the budget in general, as it met the needs of residents.

Councilmember Paul commented about the importance of the tax base in regard to commercial properties and stressed the importance of good, quality planned development, and not at the expense of residents who had come to Davie for a rural lifestyle. She would support development as long as it fit within this criteria.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 4-1)

Resolution

8.4 FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-2000-228 SETTING A FEE SCHEDULE AND RENTAL POLICY FOR THE SHENANDOAH PARK ACTIVITY ROOM AND PICNIC SHELTER.

Acting Town Clerk McDaniel read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

Quasi Judicial Items

8.5 VARIANCE - V 7-1-00, Rodriguez, 5220 Davie Road (RO) (to reduce the required 20-foot side setback within the Residential Office District from 20 feet to 10 feet along the south property line, to reduce the the required buffer from 10 feet to 1 along the south property line, and to reduce the required buffer from 10 feet to 5 feet along the north property line) (tabled from September 6, 2000) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval

Acting Town Clerk McDaniel swore in the witnesses. Mr. Kiar explained the rules concerning the presentation of evidence. He questioned if anyone was opposed to the petition with no one responding. Planning and Zoning Manager Jeff Katims summarized the planning report.

Pablo Rodriguez, representing the petitioner, indicated that the rendering did not show the true color of the building, but assured that it would be a brick color.

Councilmember Cox stated that the design of the building would be an asset to the Davie Road corridor. She asked if the petitioner would stipulate that the structure would be built as shown on the site plan. Christina Rodriguez, the petitioner, responded in the affirmative.

Vice-Mayor Weiner felt the variances were necessary for reasonable use of the land and the applicant's efforts met the spirit of the Code. He offered that this would be a welcome addition to that area. Vice-Mayor Weiner agreed with part of staff's findings, but disagreed that the situation was self-created.

Vice-Mayor Weiner made a motion to approve subject to the petitioner constructing the building as shown on the site plan. Ms. Rodriguez advised that the handicapped railings were missing from the site plan. Councilmember Paul seconded the motion. In a voice vote, all voted in favor. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

7.23 Vice-Mayor Weiner stated that the petitioner had indicated that railings used for handicapped access were missing on the plan but would be added. Mr. Kutney reported that there were several issues that Ms. Rodriguez was not able to address initially so she would be returning to the Site Plan Committee to address those items.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve with the Site Plan Committee's and staff's recommendations. In a voice vote, all voted in favor. (Motion carried 5-0)

- 8.6 **VARIANCE - V 8-1-00, Pem Mar Seventh Day Adventist Church/Florida Conference Association of Seventh-day Adventists, 3375 NW 74 Avenue (CF)** (to reduce the minimum separation requirement between parcels containing houses of workshop from 2,5000 feet to 0 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Acting Town Clerk McDaniel swore in the witnesses. Mr. Katims summarized the planning report.

Collete Sachill, representing the petitioner, summarized the outside requirements which would include a turning lane, installation of sidewalks and drainage. She explained the building complex and the proximity to an already existing church.

Councilmember Cox clarified that this proposal called for access to Davie Road from 74th Avenue and asked if 74th Avenue would continue to be a dead end. Ms. Sachill responded affirmatively.

Mr. Kiar asked if anyone wished to provide testimony in favor of or opposition to the petition. No one spoke.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

Items to be tabled

- 8.7 **PLANNING AND ZONING BOARD TABLED TO OCTOBER 11, 2000; COUNCIL CAN TABLE TO OCTOBER 18, 2000**

VARIANCE - V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from September 6, 2000)

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

8.8 STAFF REQUESTING A TABLING TO OCTOBER 4, 2000 FOR FIRST READING AND OCTOBER 18, 2000 FOR SECOND READING

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)06-01-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32.400 THROUGH 12-32.499 TO CREATE THE R-1E PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR DISTRICT INTENT, MASTER PLANS, DISTRICT APPLICABILITY LIMITATIONS, DEVELOPMENT AREA LIMITATIONS, PERMITTED AND CONDITIONAL USES, PROPERTY DEVELOPMENT REGULATIONS, AND EQUESTRIAN PROVISIONS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

9. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held October 4, 2000)

9.1 EASEMENTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE UTILITY EASEMENTS TO FLORIDA POWER & LIGHT COMPANY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that a public hearing would be held on October 4, 2000. Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Councilmember Clark - yes; Vice-Mayor Weiner - yes; Mayor Venis - yes; Councilmember Paul - yes; Councilmember Cox - yes. (Motion carried 5-0)

9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, LAND DEVELOPMENT CODE, ARTICLE X BY ADDING "TEMPORARY USE PERMIT PROCEDURE," SECTION 12-316 ENTITLED "PURPOSE", ADDING SECTION 12-317 "PERMITTED TEMPORARY USES IN CONNECTION WITH DEVELOPMENT PROJECTS", ADDING SECTION 12-318 "OTHER TEMPORARY USES REQUIRING A PERMIT", ADDING SECTION 219 "PROCEDURES IN SECURING TEMPORARY USE PERMIT"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on October 4, 2000.

TOWN COUNCIL MINUTES SEPTEMBER 20, 2000

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Councilmember Paul asked about the cost of a permit. Mr. Kutney stated that there had been no fee for these permits, but there would be an application procedure.

Vice-Mayor Weiner asked for an explanation of "temporary use". Mr. Kutney advised that for the development projects, this would mean for the length of the project. He referred to item 4 and stated that staff tried to be flexible and the final decision would come from Council. Vice-Mayor Weiner asked about storage of construction equipment. Mr. Kutney responded that an applicant would have to agree to any regulations set forth by Council. He described "equipment storage" by owners and assured Council that it did not mean a big back hoe or a fenced area for large equipment.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Councilmember Clark - yes; Vice-Mayor Weiner - yes; Mayor Venis - yes; Councilmember Paul - yes; Councilmember Cox - yes. (Motion carried 5-0)

10. APPOINTMENTS

10.1 Davie Water Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2000)

Councilmember Clark appointed Dan Pignato.

10.2 National Congress of Cities Voting and Alternate Voting Delegates (December 5 - 9, 2000)

Councilmember Cox volunteered.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

11. OLD BUSINESS

11.1 Broadway Joe's/Joe Orandello

Mr. Kutney advised that staff believed Mr. Orandello to still be in violation. He explained that Section 6.91 indicated that when there was a disagreement between the violator and staff, the matter must go back to the Special Master for review.

Code Compliance Supervisor Daniel Stallone reviewed the history of the case, which began in March 1996 and explained the sequence of violations. He enumerated the original violations which included violations of residential zoning, outdoor vehicle storage, residential parking for commercial vehicles and conducting a business at a residence without a Town of Davie license. Mr. Stallone described the subsequent noncompliance hearings and the charges totaling \$70,000 which had accrued. He explained a temporary injunction which prohibited Mr. Orandello or employees from operating a business or peddling activity in the Town, and advised that order was still in effect. Mr. Stallone advised that Mr. Orandello still continued to operate Broadway Joe's Ice Cream in the Town through lease agreements. He advised that the requirements of mitigation in regard to Code enforcement liens called for a respondent to be in full compliance. Mr. Stallone added that Mr. Orandello was in compliance with the first three violations, but not the subsequent ones relating to the temporary injunction.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

Mr. Stallone spoke about the legal fees according to mitigation guidelines and advised Council of accumulated costs of approximately \$80,000. He added that if Mr. Orandello was considered to be in compliance on the three violations, the figure came to \$46,030, while Mr. Orandello had offered \$20,000. Mr. Stallone stated that in matters where the respondent did not agree, the Special Master must be given the information in a mitigation hearing, then the Special Master made a recommendation to Council. He spoke about 84 Vending, Inc. which showed Mr. Orandello to be a director and officer in the corporation which was now responsible for operating Broadway Joe's. Mr. Stallone recommended the mitigation hearing process.

Mayor Venis recounted the history of events, which he witnessed, when this case began and the impact of the violations on the residents. He felt Mr. Orandello's intentions were dishonest and flagrant and Mayor Venis was not interested in mitigating this fine.

Mr. Stallone recommended that Mr. Orandello be held accountable to the terms of the final order. He spoke about the one licensed vendor currently in the Town and stated that this person had met all the requirements.

Vice-Mayor Weiner stated that he had had a bad feeling about this issue from the beginning and appreciated all the research this had required. He mentioned that Mr. Orandello's claim to have sold the company should have come at an earlier date. Vice-Mayor Weiner stated that he would like to give Mr. Orandello the opportunity for mitigation if it could be treated like an arbitration. He recommended that Mr. Orandello go before the Special Master and prove that he was in compliance. Once compliance was provided, Mr. Orandello could then be allowed to mitigate.

Councilmember Cox asked if the compliance issue referred to whether or not Mr. Orandello was operating in the Town. Mr. Stallone indicated that the issue was whether or not the respondent's violation of the temporary injunction order was enough to withhold mitigation.

Mr. Kiar stated that finding Mr. Orandello to be more than just an employee of 84 Vending and finding him to be in violation of the temporary injunction left Council with a decision to try and collect on the judgment or send the issue before the Special Master. Mayor Venis recommended that this go before the Special Master.

Councilmember Clark asked if Mr. Orandello knew this would be discussed tonight and described an incident where he harassed people at her place of employment over this issue. She was assured that he knew of tonight's meeting.

Councilmember Paul expressed great concern that he had not been truthful in these matters since she spent many hours listening to Mr. Orandello on this issue.

Mr. Stallone stated that Mr. Orandello did not currently have an occupational license and added that Mr. Orandello had not made any effort to obtain one. Mr. Stallone stated that none of the lessees of the 84 Vending trucks had obtained licenses either.

Vice-Mayor Weiner asked Council to give Mr. Orandello the opportunity to argue compliance with a Special Master and, if he was successful in proving compliance as well as with the temporary injunction, then have the issue brought back to Council before mitigation.

**TOWN COUNCIL MINUTES
SEPTEMBER 20, 2000**

12. NEW BUSINESS

12.1 Uniform Building Design Plan

Councilmember Cox referred to the Tower Shoppes and other centers which had recently added commercial establishments and asked if the Town wanted to continue to allow a change in design. Her concern was a move toward incongruent architecture. She advised that though the area in concern was remodeling, they had not changed the Home Depot. Mr. Kutney advised that staff had spoken with them about the plans for Home Depot and thought they were willing to comply.

Mayor Venis agreed that it was important to have a uniform design in a center. Councilmember Cox indicated that corporations use it to their advantage to stand out, as it brings them business. Her concern was the facade of the center and felt it should be uniform as a theme. Councilmember Paul agreed that having a plan was important.

Councilmember Cox expressed concern that the efforts of a center initially to develop an attractive visual could be changed so drastically by one business. Vice-Mayor Weiner felt that centers should be encouraged to provide a consistent plan, but through incentives rather than regulations, as certain businesses could be an asset to a center in many ways and they should be welcomed. Councilmember Cox indicated that in a case where increased revenue was important and one business draws for the center, then the whole center should be changed.

Mr. Kutney stated that there were many ways to address this issue: create an appearance committee, put regulations in place for uniformity on a percentage basis, devise a planned shopping center, set up appearance regulations, address existing centers as opposed to new centers. Mayor Venis asked Mr. Kutney to come up with a proposal. Vice-Mayor Weiner asked Mr. Kutney to look at this as "one chunk" as opposed to a percentage over a period of time.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:15 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk